

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:

Edgar F Contreras
Delia B. Ciruelas

Debtor(s)

Case No.: 19-25114
Chapter: 13
Plan filed on 09/05/2019
Confirmation Hearing: 10/23/19
Judge Jack B. Schmetterer

OBJECTION TO CONFIRMATION OF PLAN FILED ON 09/05/2019

NOW COMES U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET BACKED SECURITIES TRUST 2007-HE2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2, and/or its assigns (hereinafter “Movant”), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court for an Order denying confirmation of Debtor’s plan filed on 09/05/2019 and in support thereof states as follows:

1. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on 9/5/19 and this Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois;

2. Movant filed a claim secured by an interest in the real property commonly known as 4442 W Gunnison St Unit 1, Chicago, IL and that the Chapter 13 plan herein proposes that Debtor cure the pre-petition arrearage claim through the Chapter 13 Trustee; however, the plan fails to provide for a post-petition mortgage payment to Movant;

3. That at Part 3.1, the plan specifies the amount of the monthly current mortgage payment to be made by the debtor as \$0.00;

4. That the correct payment amount pursuant to the contract is \$261.37 and said amount may change from time to time due to escrow analysis or for other reasons;

5. That a confirmed plan might have the effect of binding Movant as a party to the bankruptcy to accept \$0.00 a month each month for the pendency of the bankruptcy in contradiction of its rights under the mortgage and 11 U.S.C. §1322;

6. That sufficient grounds exist for denial of confirmation as Debtor's plan:

a. Fails to provide for a post-petition mortgage payment to Movant.

7. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding subject to court approval, including:

\$500.00 for Objection to confirmation of the Chapter 13 plan including plan review and attending confirmation, if not separately billed

WHEREFORE, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET BACKED SECURITIES TRUST 2007-HE2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE2 prays this Court deny confirmation of the plan allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this 10/16/2019.

Respectfully Submitted,
Codilis & Associates, P.C.

By: /s/ Grant Simmons

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NOTE: This law firm is a debt collector.